

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**RUVEN GEORGE SEIBERT,**  
**Petitioner,**

**v.**

**Case No. 07C952**

**BYRAN BARTOW, Director,**  
**Wisconsin Resource Center,**  
**Respondent.**

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**DECISION AND ORDER**

Pro se petitioner Ruven G. Seibert brought this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 11, 2008, I dismissed the petition on two grounds. Specifically, I dismissed several of the claims in the petition as time-barred. Additionally, I dismissed the remaining claims without prejudice for failure to exhaust. Petitioner subsequently filed a motion to amend or make additional findings pursuant to Fed. R. Civ. P. 52(b).

Rule 52(b) is not intended to allow the parties to relitigate old issues, to advance new theories, or to rehear the merits of a case; instead, the recognized grounds for such a motion include manifest error of fact or law by the trial court, newly discovered evidence, or a change in the law. Sybron Transition Corp. v. Security Ins. Co. of Hartford, 158 F. Supp. 2d 906, 908 (E.D. Wis. 2000). In the present case, petitioner has failed to demonstrate a manifest error of fact or law in my decision, nor has he come forward with newly discovered evidence or a relevant change in the law. Petitioner seeks an additional finding stating that the legal theories that formed the basis for my August 11, 2008 decision can only apply to Wisconsin state court proceedings under Wis. stat. § 980.09, but not to

any matter where the committee challenges the constitutionality of his initial commitment proceedings. (Petr.'s Mot. to Amd. at 5.) However, petitioner has not demonstrated any legal basis for this assertion, nor has he demonstrated that such a finding would correct a manifest error of law or fact or stem from new evidence or a change in law. Therefore, I will deny petitioner's motion.

**IT IS THEREFORE ORDERED** that petitioner's motion to amend is **DENIED**.

Dated at Milwaukee, Wisconsin this 10 day of March, 2009.

/s

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LYNN ADELMAN  
District Judge